



# Town of New Windsor

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## OFFICE OF THE PLANNING BOARD

**WEDNESDAY — APRIL 23, 2003 - 7:30 PM**  
**TENTATIVE AGENDA**

**CALL TO ORDER**

**ROLL CALL**

### **PUBLIC HEARINGS:**

- 1. MINUTEMAN RESTAURANT SUPPLY & RENTALS (03-04) TEMPLE HILL ROAD (GUALTIERE)** Proposed new construction – 4 stores for rentals on vacant property.
- 2. PENNINGS SUBDIVISION (VANLEEUEWEN) (03-05) DUTCHMAN DRIVE (PFAU)** Proposed 4-lot residential subdivision.
- 3. MEADOWBROOK ESTATES SUBDIVISION (01-42) MT. AIRY ROAD (NEW HORIZON)** 74 Single family lots in the Town of New Windsor.

### **REGULAR ITEMS:**

- 4. MARGHERITA'S HAIR ZONE (PROKOSCH) SITE PLAN AND SPECIAL PERMIT (#03-02) WINDSOR HIGHWAY (PROKOSCH)** –Proposed Hair Salon with caretaker's apartment.

**DISCUSSION**

**ADJOURNMENT**

**(NEXT MEETING – MAY 14, 2003)**

April 23, 2003

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TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 23, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
JIM BRESNAN  
RON LANDER  
JERRY ARGENIO  
THOMAS KARNAVEZOS

ALSO PRESENT: ERIC DENEGA  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

ALSO PRESENT: ERIC MASON

REGULAR MEETING

MR. PETRO: I'd like to call the Town of New Windsor Planning Board meeting to order for Wednesday, April 23, 2003. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. PETRO: We have three public hearings tonight which is quite a bit. The way we run a public hearing here is the board reviews the applicant first, after that review, I will open it up to the public for comment and I would close it from the public and return it back to the board.

MINUTEMAN RESTAURANT SUPPLY & RENTALS (03-04)

Mr. Clarence Gualtiere appeared before the board for this proposal.

MR. PETRO: Public hearing, Minuteman Restaurant and Supply and Rentals on Temple Hill Road represented by Mr. Gualtiere. Proposed new construction four stores for rentals on a vacant property. Plan proposes construction of 9,490 square feet of new commercial building adjoining the existing restaurant. Plan was previously reviewed at the 12 March 2003 planning board meeting and is before the board for a public hearing. It's in a C zone, which is permitted use by law. One of the tenants is a laundromat. Bulk table has been corrected as was previously requested. Plan properly notes that the lot will be merged. The applicant should submit verification to the planning board attorney, keep an eye out for that, Andy. The plan now reflects two access points to the site which I believe is a significant benefit to the site. Construction to the access is subject to DOT approval and a permit, we have not heard back from DOT at the time. Correct?

MS. MASON: No.

MR. PETRO: Is the 30 day time period expired?

MS. MASON: For lead agency but not for the technical review.

MR. PETRO: Parking calculation correctly indicates the uses shown on the plan, the appropriate parking requirements per code. Why don't up just go over quickly what we're doing. If there's any additions, I don't think there is any additions from the last time we saw it. Correct?

MR. GUALTIERE: No, except for the laundromat and the entries.

MR. PETRO: We talked about some screening with shrubbery, I see there's some on the plan.

MR. GUALTIERE: Landscape design is on the last page.

MR. PETRO: Do we have anything from Fire? We have Fire approval on 3/10/2003. Okay, I'm going to open it up to the public because we have seen it all a couple times, there's nothing new, I just want to see if there's any input and we'll get back to it. On the third day of April, 2003, 32 addressed envelopes containing public notices were sent out. If there's anyone here who would like to speak for or against this application, be recognized by the Chair, come forward, state your name and address and your concerns. Anyone here who'd like to speak on this application? All right, let the minutes reflect that no one is here to speak on this application. So motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing. Is there any further discussion from the board members? If not, roll call.

MR. PETRO: At this time, I'll open it back up to the board for further comment. It's my understanding that I think the only outstanding issue was at the request of this board we asked the applicant to design and plot on the map the second access point on Route 300. The plan was previously resubmitted to us which did work, there was really nothing wrong with the plan, this board felt that it may be a better plan to go with the second access. We did have Fire approval for both plans. We still have Fire approval and the reason I mention that is that we have not heard back from DOT, I believe it's passed 30 days.

MS. MASON: Yes.

MR. PETRO: And I feel that we're now holding up the applicant as this is a time of year when people like to get going. And I'm just trying to come up with a way to accommodate the applicant so there's two things that can happen, A, that the plan would stand on its own

merits as the first plan was that was reviewed which we just have the one access point and in such a case, that happens, the curb cut will be cut off and my estimation that would provide more parking because if you don't have the road going through, you can put more spots which would improve the parking. But you already have plenty of parking, I see it's more than adequate plus quite a bit more than required. If DOT comes through in the meantime and decides that this plan is acceptable, then it's just a moot point. And we can stamp the plan the way it is. So I guess what I'm suggesting is that we go ahead and authorize Mike, I really don't want to do a final approval subject to, I'd rather if you realize that you'd be moving ahead at your own risk by being issued a foundation permit but you'd still be moving along at your own risk in case there's a real problem that arises somehow with the DOT site plan, as I just spelled out, I don't see how that can happen because we did cut it off and go back to the existing curb cut which is on the existing parcel. But as earlier stated, you were going to combine the parcels so you'd have access on both sides. Any of the members have any difficulty or problem with us authorizing Mike to issue a foundation permit under those circumstances? You would have to reappear before this board for a final approval.

MR. GUALTIERE: No problem, don't have a problem.

MR. PETRO: You can get a stop work order at any time for any unknown reason.

MR. GUALTIERE: Don't have a problem at all.

MR. LANDER: Wouldn't DOT have to grant him that second access because the lots aren't joined as one yet?

MR. GUALTIERE: Lots are joined.

MR. PETRO: I already asked earlier we're reviewing it as one lot and that was my concern that if it was two lots, then first if all, he'd have to have access so again that wouldn't solve the problem, but being that's not the case, we're reviewing this as one lot, the lot line is to be removed, therefore he still has access on

the existing lot that's there now so you don't lose either way and in the meantime, he can get his bulldozers going and get started. Motion for lead agency because it was expired.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Minuteman Restaurant. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: That's all we're going to do. Is there any other comment about the plan? I think we've seen it enough, he's complied with everything, there's no future comments from Mark or McGoe, Hauser & Edsall, Eric, so you can check in with Mike in the building department and get a foundation permit, get started and I would assume when we get response from DOT, you'll be on the next agenda and we'll finish it up.

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MR. GUALTIERE: Thank you very much.

PENNINGS SUBDIVISION (VANLEEUEWEN) (03-05)

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. PETRO: Pennings subdivision (Van Leeuwen) on Dutchman Drive. Proposed 4 lot residential subdivision. Application proposes the resubdivision of the 13.9 acre parcel into 4 single family residential lots. The plan was previously reviewed at the 12 March, 2003 planning board meeting and is before the board for a public hearing at this time. It's an R-1 zone which is permitted use by law. Henry, just go over it quickly please.

MR. VAN LEEUWEN: It's basically a simple 4 lot subdivision, tried to sell it all in one piece.

MR. PETRO: Nothing's ever simple.

MR. VAN LEEUWEN: I tried to sell it in one piece and Mike Reis had it listed for two years, so we decided to put the road in and just making a 4 lot subdivision, they all, there's enough road frontage, there's enough square footage and so forth. The only thing is the septs all of them have to be pumped.

MR. PETRO: Road maintenance declaration has to be handed in.

MR. VAN LEEUWEN: Yes.

MR. PETRO: We have that, okay, very good.

MR. VAN LEEUWEN: Houses going up here are going to be about \$400,000 and up.

MR. PETRO: Andrew, do you have a copy of that?

MR. KRIEGER: Private road maintenance declaration, I think I have it, yes.

MR. PETRO: I know I've seen it.

MR. PETRO: We have Highway approval on 4/20/2003.



Wasn't there some concern about the site distance? There wasn't any evidently. Highway on 4/15/2003 and Fire on 4/15/2003, both approved. This is a public hearing. On the third day of April, 2003, 13 addressed envelopes containing the public hearing notice was mailed out. If someone would like to speak for or against this application, be recognized by the Chair, come forward with your concerns. Anyone on this application?

MS. MALAVY: My name is Barbara Malavy (phonetic), I live at 23 Buckingham Drive, Newburgh.

MR. PETRO: Is that close to this?

MS. MALAVY: I own lot 8, we bought this property from Mr. Van Leeuwen about four or five years ago and he told us it was going to remain one piece of property, he was going to sell it as one piece of property and the road that he's proposing to put in butts right up to our lot and it appears to go right over the drainage easement. Aesthetically, we wouldn't know how to position our house on this road with this road coming right next to it, we're concerned about the impact of the extra houses on the school district, Washingtonville Schools.

MR. PETRO: The house, right now, there's nothing on your lot?

MS. MALAVY: No, there's not.

MS. MALAVY: We were hoping to put it up this spring, summer, we're talking to people about it.

MR. PETRO: I thought your house would be positioned the same way it is on the map. I don't think the road going in should affect your house, it would just go on a side yard on the new road, in my opinion, I don't know. You don't like that for some reason?

MS. MALAVY: Well, it would be, there would be no privacy now, we wouldn't, the private road would go right along, your area of privacy is your back yard and we would no longer have that.

MR. PETRO: You have a back yard, not a side yard, it's along the side of your house, am I seeing that correctly there? But again, I understand what you're saying but--

MR. LANDER: We're looking at lot 8, is that the lot?

MR. VAN LEEUWEN: Yes, her lot is lot 8.

MR. PETRO: To me, a private road is on the side yard.

MR. LANDER: Fairly long lots here.

MS. MALAVY: And also too the added impact on the school district, Washingtonville schools are--

MR. PETRO: We agree with you there but, you know, we also had that consideration when they subdivided your land and made a building lot and the lands before that and the lands that are coming for the next 20 years, it's definitely the problem. I don't know the answer. It's not a planning board issue. The land is zoned for that particular use, uses meet all the requirements and the law says that's what goes there. We only administer the law. We're not making law here, this is an administrative board, it's not a judiciary board. So we have to follow the law the same as he does, you do and I do. This is what goes there. I think the one point that you make that maybe we can look at a little bit would be aesthetically along the roadway on that side putting some screening of some kind. Do you have a landscaping plan at all?

MR. VAN LEEUWEN: No but I can put some trees in here if that's what they want, that's no problem.

MR. PETRO: It's over the top of the easement, it's over top of the easement but it's been reviewed by the engineer and it's accepted. I think the screening, Henry, what type of screening would you prefer? I'm just trying to help you along with some screening there.

MS. MALAVY: Well--

MR. PETRO: This is the access area that you would have even if the road would start a little further.

MR. VAN LEEUWEN: The roads there are in but I can give you some bushes, arborvitae or hemlocks are fairly fast growing tree and you can trim them, do whatever you want with them and I will put them on your property.

MS. MALAVY: This house has to be built back here, it cannot be positioned anywhere else?

MR. VAN LEEUWEN: It won't be positioned anywhere else cause you pushed it that far.

MS. MALAVY: Just for--is there--

MR. PETRO: That's pretty far from her house, maybe that's hundreds of feet I believe from your house.

MR. VAN LEEUWEN: About 400 feet.

MR. PETRO: It's not as close as it may appear on that plan.

MR. VAN LEEUWEN: Maps fool you, they do. This house will not be changed, they might put the house this way.

MS. MALAVY: That was my concern that it would be closer.

MR. VAN LEEUWEN: No, it can't get closer, first of all, there's no room here aesthetically, it's not going to look good, that's where it's going to be.

MS. MALAVY: We'd like to position ours a little bit back.

MR. VAN LEEUWEN: That you have to argue with that gentleman sitting right there.

MR. BABCOCK: Basically on your lot you have a buildable area, if you look on that map.

MS. MALAVY: We'd like to raise the property, ours is

lower than anybody else's so we'd like to fill it in before we build.

MR. BABCOCK: But the buildable area on your lot will allow you to move your house around somewhat.

MR. PETRO: You can make an envelope, I can explain it to you.

MS. MALAVY: You are?

MS. BABCOCK: I'm the building inspector.

MS. MALAVY: I should speak to you first?

MR. BABCOCK: Yes.

MR. PETRO: If that envelope in your hand is the building lot--

MS. MALAVY: It's the original subdivision.

MR. PETRO: That's your building lot, you can take your side yards, rear yard and your front yard and draw a line around there and anywhere in that envelope you can build your house. It doesn't have to be in that particular location.

MR. VAN LEEUWEN: If you wanted to move this house this way, you can do that as long as you stay kind of in the buildable area.

MS. MALAVY: And up until this is considered the buildable area?

MR. VAN LEEUWEN: No, this is septic system, you can probably move it down but you can move that around quite a bit because you've got 100, 200 feet between here and here, doesn't look that way on the map but it is that way, same thing here, this is at least 400 feet away from your house, if not more.

MR. PETRO: Okay, any other concerns?

MS. MALAVY: It looked like it was in our back yard.

MR. PETRO: It's pretty far away.

MR. VAN LEEUWEN: From this point to this point is 1,000 feet so look where the house is.

MR. PETRO: Okay, anybody else on this application? Motion to close the public hearing.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Pennings subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the Pennings subdivision on Dutchman Drive. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

MR. PETRO

AYE

MR. PETRO: Culvert number 3 should be verified to meet the capacity requirements or should be replaced as part of the residential development, just I'm giving you one of Mark's comments, Henry.

MR. VAN LEEUWEN: Okay.

MR. PETRO: Applicant will be required to submit a private road completion bond per the requirements of Section A60-10(A)(8) of the Town Street Specifications. Prior to posting the bond, a cost estimate should be submitted for review and approval.

MR. BABCOCK: On that, go back into that lot number 3 as far as the culvert, all the other culverts are called out as new in the sizes and lot 3 just says existing, doesn't tell us size of the culvert, that's what we're--

MR. PETRO: What would change to make the culvert not the right capacity, the road itself?

MR. BABCOCK: Well, we're adding other culverts, we're adding areas.

MR. DONEGA: Adding additional flow.

MR. BABCOCK: If it's the same size as the ones that they're installing, it shouldn't be a problem.

MR. VAN LEEUWEN: It will be the same size.

MR. BABCOCK: Well, it's existing so we just want to know the size of it.

MR. VAN LEEUWEN: I believe it's two foot, I believe it's a 24 inch culvert.

MR. PETRO: Eric, you don't have anything else on this?

MR. DONEGA: The concern was that they're adding more flow to the existing culvert. We want to make sure it's large enough, the size is not indicated here and

if the size, even if he tells us the size now, we'd still have to check into that to make sure it's consistent with the other culverts.

MR. PETRO: I'll make that as a condition, Henry.

MR. VAN LEEUWEN: No problem.

MR. PETRO: That's the culvert on lot 3. We have Highway on 4/15 and Fire 4/15. Is there any further comments from any of the members? If not, entertain a motion for final approval.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Pennings subdivision on Dutchman Drive subject to the culvert being identified in size and properly placed on the plan.

MR. VAN LEEUWEN: Jim, it's already on the, on there, either proposed driveway culverts have been studied and hydrologic analysis and it's been determined that the culverts are to be 9 foot by 4 foot concrete box culverts.

MR. BABCOCK: Henry, that's the new ones, we still don't know the size of the old one. Basically, if it's the same size, it's not going to be a question.

MR. VAN LEEUWEN: I'll call you with that in the morning.

MR. BABCOCK: Okay. Mr. Chairman, the worst case scenario it's got to be replaced with a 9 by 4, the worst case.

MR. VAN LEEUWEN: I'll take care of that.

MR. PETRO: Just put that it's either 9 by 4 or it will be replaced by 9 x 4 and that ends the problem.

MR. VAN LEEUWEN: No problem.

MR. LANDER: Subject-to's?

MR. PETRO: Subject to that was one and the second one is the screening, what's the cul-de-sac's name, is there a name?

MR. VAN LEEUWEN: Peters Court after my son, my father, my mother.

MR. LANDER: Screening is going to be where, Mr. Chairman?

MR. PETRO: Well, as it stands, it's on the side, what side is it, on the north side of Peters Court.

MR. VAN LEEUWEN: Correct.

MR. PETRO: I would extend it in at least 200 feet and the reason I'm not requesting the other side is because you haven't built that home yet and maybe people would want it or not want it. So if no one's there they're not complaining or they know what they're buying but this woman already owns the property so at least dress it up. Do you agree with that?

MR. VAN LEEUWEN: No problem.

MR. PETRO: What type of screening?

MR. VAN LEEUWEN: Hemlocks, that's a fast growing tree or arborvitae.

MR. PETRO: Leave it up to you and it will be reflected in the minutes. Okay, that's the end of the subject-to's. Any further comments? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE



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MR. PETRO

AYE

MEADOWBROOK ESTATES SUBDIVISION (01-42)

John Cappello, Esq. and Mr. Ross Winglovitz appeared before the board for this proposal.

MR. PETRO: Meadowbrook Estates subdivision, 74 single lots in the Town of New Windsor. This application is for a 74 lot single family residential subdivision in New Windsor with an additional 146 lots in the Town of Cornwall. The planning board plan was previously reviewed at the 13 June, 2001, 22 May, 2002, 14 August, 2002 planning board meetings. Here tonight for a public hearing. There was 165 lots proposed originally for this site, I think Town of New Windsor has if I used the word properly negotiated it down to 74, is that correct?

MR. CAPPELLO: Strong-armed negotiate.

MR. LANDER: Just in New Windsor.

MR. PETRO: Yes. The Cornwall lot count has been reduced from 16 from the original 18. As a reminder to the board and to the people here, this application grandfathered to the former zoning requirements but has agreed to decrease density as shown on the plans. I believe your original zoning permitted by law was half acre lots or less. Correct?

MR. CAPPELLO: Yes, potential for 200 lots, that's right.

MR. LANDER: Sewer and water, Mr. Chairman?

MR. PETRO: It's going to be available at some point. Right now, they have the water moratorium which you're aware of and we're reviewing this as if that's not in place but once they receive approval, if they should, they obviously can't build it until the moratorium is lifted, that has nothing to do with this board. So it would go to that point then they'd just sit with it.

MR. LANDER: They still have town sewer and water.

MR. PETRO: Correct, we're reviewing it as such.

MR. LANDER: Yes.

MR. PETRO: Let me just go over some of this so I come up to date before we start. What's the smallest lot size now?

MR. CAPPELLO: The smallest lot size, the minimum of one acre, this was in the R-2 and R-3 zone. The R-3 zone properties has each has a minimum net buildable area of a half an acre and a minimum gross area of an acre. The R-2 zone is a net of one acre, so they're one acre or greater, but there's a buildable area excluding wetlands, steep slopes, et cetera, so they're all at least an acre in gross size.

MR. PETRO: Why don't you make a presentation?

MR. CAPPELLO: Sure. Good evening, my name is John Cappello, I'm an attorney with Jacobowitz and Gubits and I'm here tonight on behalf of Landmaster Community Development, the applicants. And joining me tonight is Ross Winglovitz, he's a professional engineer with Landmaster who will present the plan layout and Tim Miller from Tim Miller Associates. Tim is the planner who prepared the full environmental assessment form, Tim will briefly present the areas we analyzed for this development and discuss it for the public hearing and we'll obviously accept comments. And if the board directs, we'd be happy to answer any comments the board feels that we should. The project is 169 acre parcel, it's located on the north side of Route 94, just east of Jackson Avenue and west of Mt. Airy Road, near the Meadowbrook Lodge. As the chairman said, the property's located, about 33 acres of the 169 acres is located within the Town of Cornwall and the remainder 130 acres is located within the Town of New Windsor. The Town of Cornwall portion is zoned R-2 zoning district which requires a minimum lot size of 40,000 square feet, all the lots meet that requirement. The New Windsor portion originally was permitted as much as 200 units, the original application as the chairman said was 165 then went down to 134 then 119 and we finally arrived at a negotiated agreement of 74 single family homes. We have a petition pending with the Town

Board for inclusion in a sewer district and the Town water district. As with prior application, the procedure that the Town Planning Board followed is that the Town Board would review it, make a determination on SEQRA. Once the determination on SEQRA is made, the Town Board would then take action on the petition for the sewer and water district. This board back in August, 2002 confirmed its lead agency status vis-a-vis Town of Cornwall, planning board also has jurisdiction over 16 lots in Cornwall and the Town of New Windsor Town Board who has authority to extend the water and sewer district as requested. So this board is lead agency under SEQRA, as such, we were directed to prepare an expanded environmental assessment form which examines several relevant environmental areas that Mr. Miller has presented and is before you. This is the document that was submitted back in August, 2002, was revised in December, 2002. So with that, I'd really like to introduce Ross Winglovitz, Ross is the engineer who assisted in preparation of the plan who can discuss the layout, drainage and sewer and water service to the site.

MR. WINGLOVITZ: Good evening, I'm Ross Winglovitz with Landmaster Community Builders. As John indicated, it's 169 acre parcel, between both, excuse me, in the Town of New Windsor and currently in the Town of New Windsor there's 74 lots proposed. Site access is derived from what is Old Route 94, which is the current access road that services Meadowbrook Lodge. Proposal is to actually remove the westerly entrance of Old Route 94 onto 94, since it has very poor sight distance and reconfigure the easterly entrance. The plan has been submitted in concept to the DOT and a traffic study has been done that Tim will address further regarding traffic. There's a large State wetland on the easterly portion of the property near Mt. Airy Road that's been preserved and the development comes from Old Route 94 off the site, splits the property 12,500 square feet of Lenyard (phonetic) Road with an interconnect through The Reserve for emergency services and so forth.

MR. PETRO: Explain that. Going to be a crash gate?

MR. WINGLOVITZ: Full service access is proposed at

this point.

MR. PETRO: While we're on that subject, the two cul-de-sacs up at the north end, originally wasn't that supposed to tie into Mt. Airy Estates?

MR. WINGLOVITZ: No, this is actually the back yard of a few lots, the road here actually comes up and goes like this, this is the back yard of a house, there's a water line coming down from the tank, we're going to be interconnecting the water but there's no opportunity on that plan for any interconnect.

MR. PETRO: And you never suggested that and I just--

MR. WINGLOVITZ: Only a water connection was there, there's one other access point for an interconnect, but it's so close to this, we only proposed one and since this road is looped, everybody felt one is sufficient, this is the back of two proposed lots, there's no opportunity.

MR. PETRO: One down here is into Mt. Airy Estates?

MR. WINGLOVITZ: Yes.

MR. BABCOCK: I think that's the one you were looking at.

MR. PETRO: So the park would be further down?

MR. WINGLOVITZ: New ballfields are right in this location here.

MR. PETRO: That entranceway into Mt. Airy Estates, was that ever a request from this board? Why is it there, just for flow, traffic flow?

MR. BABCOCK: It's the second access for this whole project.

MR. PETRO: Weren't you going to go out onto Mt. Airy Road or Bethlehem Road?

MR. WINGLOVITZ: Yeah.

MR. PETRO: Wasn't one time you were coming out on there for your secondary access?

MR. WINGLOVITZ: No, there was no proposal for access to there because we're separated by the park and the wetland, there was only this one interconnect.

MR. BABCOCK: It's a very steep incline.

MR. WINGLOVITZ: There's a big bank off here, correct, and the town park.

MR. PETRO: All right, I interrupted you, go ahead.

MR. WINGLOVITZ: No problem. Water for the site has been provided by the connection to a 12 inch water main on Dean Hill Road through the Town park connecting to the project in this location and the systems of water lines with two interconnections to The Reserve proposed to interconnect the system, those will be emergency connections only for fire protection services and not currently planned to be permanent full service connections.

MR. PETRO: You're going to go through the Town park with an 8 inch water main?

MR. WINGLOVITZ: Yes, it's adjacent to the sewer main, it's right at the edge of the parking area.

MR. PETRO: I know where the sewer main is, we just built a building 8 feet away from it, you're going to go through there?

MR. WINGLOVITZ: Yes, we surveyed that.

MR. PETRO: Cut up our new blacktop there?

MR. WINGLOVITZ: Coming through, yeah. Once we get to the other end near where the pump station is, they just paved that parking lot as you come into the entrance to the left, they just paved that parking lot.

MR. PETRO: Everybody aware of that?

MR. BABCOCK: Not me.

MR. WINGLOVITZ: We would be bonding it and repairing it, making sure.

MR. PETRO: You're saying this like you talked to somebody about it.

MR. WINGLOVITZ: We proposed it to Mark, probably had six work sessions in the last four months.

MR. PETRO: There's no way to bring the water in off Mt. Airy Estates on that connection?

MR. WINGLOVITZ: There are two connection point here, this is a different water district and they have a different, a water agreement that they negotiated with the Town that doesn't allow for full service connections through to Mt. Airy. We'd love to do that through The Reserve, that's part of their agreement with the Town, I don't know why.

MR. CAPPELLO: There was a stipulation of settlement of some type of issue that limits the type of connections that would go there and based on your review, it was deemed that this would be the better and more feasible alternative.

MR. WINGLOVITZ: That's why these aren't full service connections, that's why I represented them as emergency connections.

MR. PETRO: I'm just surprised that, I'm not saying that you're not telling me the truth, I'm saying that I can't believe that the Town Board or Mr. Meyers or anybody is going to allow you to cut through the park after all the work has been done. How about the downtime while you're doing it, going through the blacktop? I'm surprised by the whole thing, to be honest with you.

MR. WINGLOVITZ: We have plans of the Town park, we took and we would be glad to connect through The Reserve if we could be supported by the Town, we'd be

happy to connect through The Reserve.

MR. PETRO: I think we should look into this a little more.

MR. BABCOCK: We just brought a water line all the way over to there.

MR. WINGLOVITZ: The Town brought out from The Reserve out across the field, correct?

MR. BABCOCK: Right, if I had known you guys were coming through there, I wouldn't have done it.

MR. WINGLOVITZ: The timing would never work out, that's how it always works, Mike.

MR. PETRO: We'll get back to that.

MR. WINGLOVITZ: Yeah, we would be happy, we would pursue that in front of the Town Board.

MR. PETRO: There's no water anyway so it's not as if that's going to happen real quick.

MR. WINGLOVITZ: We reviewed the water system, I don't recall hydraulics and storage capacity provided by The Reserve and we're comfortable that we have sufficient water capacity and storage in the system. Sewer will be gravity collection system that's going to connect to an existing ten inch sewer main that goes directly through our property at the rear of the property line, actually goes, continues on through the Town park, we'll be connecting into that sewer main here and we're proposing to do upgrades to the existing pump station, we've been working with Mark and the Sewer Department closely to determine what exactly those upgrades are but we're committed to do upgrades with the Town to satisfy Mark on the pump station.

MR. PETRO: The dark green area up by the north side, see that cul-de-sac right there to connect that cul-de-sac up to the other road so you have more of a looped road. Right now, you must have 30 houses sitting up there with only one entrance. Is that



wetlands that dark green area?

MR. WINGLOVITZ: Yes, this is a Federally regulated wetland. We have the potential for an interconnect right to The Reserve at the end of the cul-de-sac but it's only 300 feet long.

MR. PETRO: That one's not the problem, I think up there I can't see quick but could be 30 houses through that with just the one access point which we normally try to get away from.

MR. WINGLOVITZ: About 19 homes up there. This has been pretty consistent through the beginning, I believe, I have to go back and look at some of the older iterations of the plans when there was more lots, pretty consistent this way I'd say for nine months or more.

MR. PETRO: And you can't cross the Federal wetlands?

MR. WINGLOVITZ: Correct, this is such a wide part, the Federal wetland would be a very large crossing, wouldn't be permitted by the Corps.

MR. PETRO: All right, lastly, you told me way up on the top you can't go in up there.

MR. WINGLOVITZ: Yeah, these are, actually, the road is actually under construction right here, there's an existing home here and there's a proposed home being constructed right here as we speak, foundation is excavated, looks like recently.

MR. PETRO: There's no right-of-way between the houses?

MR. WINGLOVITZ: No, there's an opportunity for, we got the plans for The Reserve and we'd have the opportunity for water connection so we'd make the water interconnection there but no opportunity for a through road there.

MR. PETRO: You can always buy a house.

MR. WINGLOVITZ: Can always buy a house.

MR. PETRO: And go through there.

MR. WINGLOVITZ: That's true. Last thing I had was storm water designed in accordance with the new DEC storm water regulations, several ponds on the site and it will comply with post-development run-off will be less than pre-development runoff and the water quality standards will be met in accordance with the new criteria. Mark had a comment about the number of ponds and that's strictly a function of the new criteria providing water quality as well as water quantity control. That's all I have.

MR. PETRO: The New York State DOT's special traffic consultant, John Collins Engineers, Phil Greely is reviewing the traffic study for the Town. His comments will require further review, in other words, they're not complete at this time. All right.

MR. MILLER: My name is Tim Miller, I'm a planner with Tim Miller Associates. We were retained to prepare an environmental review of this project and as John pointed out, we submitted to the board a lengthy series of environmental studies which address physical conditions of the property, the wetlands on the site, the anticipated disturbance of various types of habitat on the property, including very detailed storm water management report, it included utility report, it included detailed erosion control plan addressing how erosion would be managed on the property, it evaluated wetland impacts. We do have about 42 acres of wetlands on the property and we're proposing disturbance of about .49 of those wetlands primarily for a road crossing, and that's the limit of what the Corps of Engineers permits under the nationwide permitting circumstances. And included in the environmental studies was a traffic study, the scope of which was developed in consultation with your Town engineer, the traffic study looked at seven intersections in proximity to the site, it looked at Mt. Airy Road and Route 94 intersection, two intersections, the Old Route 94 east and west connections to Route 94, that's this location, it looked at Jackson Avenue, Route 94, Mt. Airy Road and Bethlehem Road, Jackson Avenue and Orrs

Mills Road and Five Corners intersection. Basically, the study went out and did peak hour turning movement counts at the morning and evening peak commutation periods. We then looked at the future condition taking into account a variety of projects that are being proposed in the area and also increasing background growth by two percent per year up to the year 2005. Then we took the project itself, we evaluated the trip generation during the peak hours that would come from the project, the anticipated distribution of traffic and we did level of service, an analysis on all the intersections and what we found is that level of service at all the intersections that were evaluated would not be degraded to an adverse condition. There is one location, that's Jackson Avenue and Route 94, the northbound approach on Jackson Avenue to 94 has a heavy left turn volume during the evening peak hour and because of the flows on 94 and that in combination with the left turn volume, there are lengthy delays for the left turn movement. That would slightly increase as a result of the traffic from this project, this would generate somewhere around 75 trips in the morning, about 95 trips in the afternoon, so there will be some increased delays for this approach. The only way to fix the intersection would be to signalize it, we evaluated as a signalized intersection, the signal works at level of service B or better, whether the State would permit a signal there because we do not believe that it, that it warrants it at this time, it's really unlikely, but we did evaluate that in the traffic study. So I think that's a very brief summary of what was contained.

MR. PETRO: I have two points, one, as long as it's predicated on the school functioning at full capacity.

MR. MILLER: Yes, we used the information in the school study and took the volumes from the school as well included that in our study. We also anticipated that that intersection at the school would be signalized at the time that this project comes on line, it's proposed to occur this summer that signal is supposed to be installed.

MR. PETRO: You just told me that you took the school

study and used it. Is the school study taking into consideration the school operating at full capacity?

MR. MILLER: I don't know the answer to that right now.

MR. PETRO: Find that out. I think that's important. I think if you do a traffic study and not know how much traffic is being produced by the school and what numbers they're using if it's just construction traffic then who cares.

MR. MILLER: I would anticipate that it would have anticipated full capacity but I'll check that.

MR. WINGLOVITZ: I was involved with the school project in front of the Town of Cornwall when it was presented for the study and that study does in fact take into account the school not under construction but actually complete and totally functioning. Town of Cornwall had then additional intersections which were done and that study was the basis of what we used to estimate the school traffic.

MR. PETRO: Secondly, the access point into Mt. Airy Estates, have you looked further at that access point at the road configuration of Mt. Airy Estates? Some traffic should flow into there. Where do they go from that point? I don't know what it looks like. Do they loop around? Do they have to do a lot of travel at 30 miles an hour?

MR. MILLER: I'm not certain if there's a direct connection from this location out to, I'd have to look at the mapping on that.

MR. WINGLOVITZ: It's not a direct through road, they're going to come up through that road, make a few rights and lefts to get out to Mt. Airy Road.

MR. PETRO: It's not an ideal traffic pattern.

MR. WINGLOVITZ: It's not an ideal shortcut for anybody.

MR. PETRO: Because if someone's coming out of there

and wants to go to 94, you've got a left turn, right turn going to a four way and then to make a left down the spine road and out so that's not too easy.

MR. MILLER: We did assume a certain percentage of the traffic would want to travel to the north to get to Mt. Airy Road. We also did a sensitivity analysis that looked at what would happen if all the traffic came out through the one entrance here and it would work in either case, there would be slightly longer delays on the network if everything came to the south but it would work in either case.

MR. PETRO: Normally, I'm very for through traffic, I think it's good planning in any sense, any stretch of the imagination, for somebody to say a through road is not a good road, they need to go jump in a lake, I would say. But in this particular case, I mean, I really am not so sure. You have 74 more homes, I'm not saying they're all going to go up to Mt. Airy Road, there's no real proper way, I don't know if I were there and I wanted to go to Mt. Airy Road, I have to travel through the snake and go through there 30 miles an hour but if I'm living in Mt. Airy Estates, I know I'm going to have increased traffic. So at some point, I said well, you've got to have through roads but then how much increased traffic is going that way and why. You think they're all going to go to the north up through there? Why wouldn't they be coming down this way?

MR. MILLER: We assumed a certain percentage would go to the north simply because of the travel times and we went out and did travel time evaluations and it's easier to get to Route 300 north of here by traveling in this direction than it is by leaving here and disbursing in this direction. Now, there are ways of, I'm not sure where you're going with the through road comment, Jim, but there are ways of traffic calming and that's something we can look at if we need to have speed bumps, that kind of thing.

MR. MILLER: Basically procuring a more circuitous route to get from point A to point B right through, there's a road that's fairly straight and so forth,

there are options available to increase the travel time. Basically people intuitively select the shortest time to get from point A to point B, if there's congestion and they become aware of congestion, they pick an alternative route, if there's too many turns, they pick an alternative route. So there are options for traffic calming to discourage through traffic if that's desirable from a planning perspective.

MR. PETRO: What would your alternative be here?

MR. MILLER: Well, one alternative would be to place a cul-de-sac somewhere in this road so that people would have to make a more circuitous route to get down to 94.

MR. WINGLOVITZ: The entrance could be made an emergency entrance only. We actually talked about this with Mark early on, that's how we proposed it, it doesn't, wouldn't affect us if the board would make like--

MR. PETRO: Normally, the board leans the way that you are presenting it, in fact, I think 95 percent of the time. I'm just a little more curious here because it's just so snake like I guess is a good way to put it, that it may be what you're saying, you might just take care of itself, I might go to Mt. Airy Estates, say the hell with that, I'm not going down there, go up Mt. Airy Road and go out and that may be the answer.

MR. MILLER: Well--

MR. PETRO: Why would you go over there and have to drive all the way through Mt. Airy Estates?

MR. WINGLOVITZ: We've had some discussions with the DOT, their biggest concern was actually people coming from Mt. Airy through to 94 as opposed to the other direction.

MR. PETRO: I don't know why anybody would do that looking at the map, they'd need to be just out for a Sunday drive or something. I think we're going to get some other opinions. I kind of get that feeling so I don't know why. Okay, this is a public hearing. On

the third day of April, 2003, 24 addressed envelopes containing notice of public hearing were mailed out. Again, if someone wants to speak for or against this project, has a comment, raise your hand, be recognized by the Chair, come forward, state your name and address.

MR. MELENDEZ: Good evening, my name is Peter Melendez, 2303 Pioneer Trail in The Reserve. I guess I have two concerns. One, when I purchased my home, there was no mention of access or any road going through Pioneer Trail. I bought pretty early in the second phase so I had my pick of different parcels and one of the reasons I picked mine was because of the fact there was limited traffic. My second concern which is the biggest concern is that I, my block is six homes, in those six homes, there are 12 children, 10 of those children are under the age of 6, 8. I'd say the stop signs are unenforceable. When I say that it's a rolling stop, nobody ever stops as it is, there's lots of construction, people that are, a lot of people looking at the new parcels and looking at the homes that we're living in, I just see, now I heard it's an access road, I don't know what that means. I don't know if it's going to be through traffic.

MR. PETRO: It's full access. I asked that.

MR. MELENDEZ: My biggest concern is that stop sign on Pioneer Trail and Constitution Way no one ever stops, whether it's the people that live in the development, the construction workers especially and I bring that up to the people that are running the project currently. I have two children, I'm concerned that that's going to be a thruway, it's going to be a racetrack. We don't have the presence of the Town police there to monitor the stop signs. So, I mean, I'm sitting outside with my neighbors and it's constantly a flow of traffic right now at an excessive speed and my concern with that road being open who's going to monitor the traffic, the speed of the people and I'm, you know, I just see this one big race track in front of my home. And it's a big concern, it's a safety concern, like I said, I don't see any police presence to monitor. The only way someone's going to stop running a stop sign is

if they get a ticket and the only police presence I've seen is someone that just purchased a home. He's usually coming in to look at the progress of his home. I'd like to know how they're going to address that.

MR. PETRO: We're talking about that as you heard and nothing's written in stone, we're going to review it. I'm listening to your comments. Any members have comments? This is one of the applications that could go either way, formally, like I say, the board is usually I think in good planning is always to have a road that's opened up so the traffic can flow. I mean, no matter where you go in New Windsor, traffic's a headache and it's going to get worse and worse and worse. I don't care where you live, it's a nightmare and it's just bad and it's going to get worse. So the more roads that are open and traffic can flow, the better. I'm not so sure in this case and that's why I want to hear what you have to say and everybody else, we're going to digest it, no decision being made tonight and we're going to go forward from there.

MRS. DEANS: Jane Deans, I'm on the Cornwall Planning Board and we're sort of joined at the hip with you people on this thing. And that's our big concern, the traffic we hope you'll take a very careful look at it, I'd rather not see anything going into the other developments that could all pull it out to 94 as a shortcut. The worst nightmare could be the train emptying out, the school having a function and Meadowbrook Lodge and everybody coming out onto 94, and that wouldn't happen every day but please take a very careful look at it.

MR. PETRO: I know I'm repeating myself but I'm going to listen much more carefully than I normally would on this because normally it's very clear cut, I think it should be open but I don't feel that way this time.

MRS. DEANS: We're going to keep monitoring you guys too so.

MR. PETRO: Yes, sir?

MR. BILLIK: Good evening, my name is Phil Billik and



we have a petition from some of the neighbors, if I may present it to the board regarding our concerns with the thoroughfare that may be opened up at Pioneer Trail. As Mr. Melendez said, there's currently 12 to 15 children on our street and basically, the only way out of the development is when you get to the end of Pioneer Trail, you make a turn on Constitution Way, you take Independence, which is the main road out onto Mt. Airy Road. And that's part of the development, maybe something like 40 children, some of our concerns are that again the safety and I have done, once the high school opens up as Mr. Miller said, I tend to agree with Mr. Miller on one point that judging the way the traffic is on 94 when you get to the Five Corners, a lot of people may use Pioneer Trail as a through road to get to 300 and 207 which they can connect out of the Mt. Airy Road. Also when the high school opens up, you have a lot of teenage drivers, they might utilize that area as such to maybe circumvent the traffic. I know if you go to Five Corners pretty much is a little bit of a wait when you get to there, so that's a concern. Also this would be probably the first spring or summer that we haven't had construction coming through, I've only been there a year but we had to keep the windows closed from all the dirt and debris that's been uprooted by the contractors and we were looking forward to have the first summer where we'd be able to open up the windows and now if the construction goes through that's going to be a problem. In addition to that, I know some of my neighbors are going to have the sewer line going right through the back of their property. The people who live at the end of Pioneer are coming down Settlers Ridge and that's an issue. And as Mr. Melendez said, a lot of the traffic, very rarely does anybody stop for the stop signs the road itself because they haven't been dedicated, it's kind of all beaten up, I guess they haven't put the final layer because the roads haven't been dedicated. So we're taking a residential community and I think what Mr. Miller said we're going to have a lot more traffic, maybe some commercial traffic coming off 94 going through Pioneer Trail through the Mt. Airy Estates development trying to circumvent to 300, Newburgh Mall, Home Depot, access to that area and it's a concern for us, when most of us were bought into The Reserve, no one ever said anything

about the road being opened when we asked, most of us were told that road would never be opened at all. I think as far as environmentally, we have the ball fields behind us and in front of us and to the right and left is all new homes, it's nice to have a little bit of nature, countrified area at the end of Pioneer Trail which we currently have a lot of deer, we've seen a couple coyotes which is nice to have. Like I said, the ball fields are nice on the one side and homes are nice on the other but also nice to have a little land back there.

MR. PETRO: Thank you.

MR. BILLIK: Thank you very much for your time.

MR. PETRO: To the applicant. This spur again you were willing to go either way, right, so you don't, it doesn't matter, you have no concern one way or the other?

MR. WINGLOVITZ: Correct.

MR. PETRO: Could be crash gate or complete access. This will be referred back to the fire inspector and without a crash gate, you have a serious problem.

MR. MILLER: We did look at that being closed off and all the traffic routing down there and it still works.

MR. PETRO: Anybody else? And I'd like for everybody to know that this is 169 acres and under the original zoning, I'm repeating myself again that you had over 200 houses that were permitted in there by law and you said why are there only 74 then that was through quite a few meetings between myself, this board, and the Town Supervisor to negotiate that down in different manners to the present 74 and through the good graces of the applicant. So we have to realize that the man owns the property, it's for that use to build houses, he didn't but it just to grow trees and he has a certain right and I think that the 74 houses I'm very comfortable that that's a very nice number on 169 acres compared to what was used to be built years ago. And frankly in your own development, The Reserve, that was one of the

reasons that really made the Town take a hard look at really too many houses in one spot on very small lots, that's why the zoning was changed. But I want everybody to know this applicant has been a hundred percent really working with the Town and I think they have done a very good job. Okay, other than the traffic, does somebody have a different question other than the same traffic?

MRS. OSTNER: It's not really traffic but what I'm concerned about is--I'm Christine Ostner, I live on Bethlehem, our property backs you up to theirs, Bethlehem Road is already a through cut and you talk about people taking a cut. I'm sure that commercial traffic coming from the Washingtonville area is going to cut through Jackson and Bethlehem, that road is a nightmare now, it's like a racetrack. It was very nicely paved, it needed it very badly, however, it, we're up on the hill and we can hear the noise of cars going down. There was a terrible accident a couple years ago, not even that long ago because two kids were racing down Bethlehem Road going in the same direction side by side at 90 miles an hour and there were a couple kids killed and you're going to have somebody, you said the high school kids out there, you've got to figure out some way of getting around the Vails Gate story, I don't know how much influence you have on the State, but I think that road ought to be a heck of a lot wider than it is, 94 should be a four lane road and there should be different turns, setups at the corner, can you do anything about that or do you have nothing to say on that?

MR. PETRO: I would say our influence power at the State is zero to start.

MRS. OSTNER: Because that's a very poor setup as it is.

MR. PETRO: They know it, we've had, when we went through the business with Hannafords, we went back and forth with the State for over a year and a half. I received three letters myself or this board received then and the gist of most of their letters was that we know it's a major problem and don't know what to do

about it, that's the bottom line without major, major, major overhaul of the entire road system in that area.

MRS. OSTNER: Because if you're the first car at the light, you have a two minute and 20 second wait till it turns green again.

MR. PETRO: What you're talking about though this is not unique I think just to Bethlehem or Mt. Airy, I live on Route 32 down here and sometimes just to get out to come to get a cup of coffee or come to the Town Hall I need a shave after I get out because it's a nightmare.

MRS. OSTNER: One of the things that concerned me though is the amount of speeding that goes on on Bethlehem, if it gets used even more now because it's a through cut from 94 to 207 and it's just horrendous.

MR. PETRO: I would petition the Police Department, write a letter to the Supervisor and have that brought up to the Police Department, in other words, we can't patrol the roads, it's not a planning board issue, unfortunately. Drainage, anything else, anything else about this application?

MR. FITZGERALD: I'm Ryan Fitzgerald, 2413 Settlers Ridge, just talk a little bit more about a crash gate.

MR. PETRO: Let me explain what that is. The Fire Department obviously with houses there even in your own development it wouldn't be a bad idea to have another way to get in and out in case of an emergency so if you have one way in which is what we call not a looped road, if the road doesn't have two ways in and out, it's non-looped and say there's a car fire in the center of the road and you're having cardiac arrest at the end of that road, you've got a serious problem because the ambulance can't get in or your house is burning. So like to have another access point that's the main reason for this, for your development as much as for this development. Putting away the traffic problem. So what a crash gate does it stops through traffic, normal through traffic so it won't be an access point, nobody's going to use it to go food

shopping. And basically, it's just a gated road that the police and the fire department have a key to the gate, if they don't have a key, they can crash it and come through in an emergency. So if you're having cardiac arrest, the ambulance goes through and saves your life. It's a second access point, but not full access. We have one over here at Washington Green that's been I'm here 12 years and it's never been used so it may never be used, you've got to hope it's never used, but it's there in case you need it. And that's what it is.

MS. CALINE: Laura Caline (phonetic), 2403 Settlers Ridge. We'll have two entrances and a nice loop in our development, we don't need that. I'm just saying that's not a necessary evil for us cause well, our development is making two entrances and that's our fear, our second entrance is going to be where these people are going to start to take a shortcut unless they do put the emergency gate which is fine.

MR. PETRO: That's what we're going to look at. Keep in mind you say you don't need it but any alternative access point is good in an emergency. I'm not saying for everyday traffic, I mean, common sense would dictate that what I'm saying is true but I think the other headaches of it may outweigh the good that would come from that, especially like I just said the other one hasn't been used in 12 years. So I'm sure I can't speak for everybody on the board, we probably would be leaning towards the crash gate idea only because it's not a clear access road to me, in other words, if you've got to loop around, do all this, go around the snake on this particular development, I don't know the layout of yours, I'm sure it will be better.

MR. MELENDEZ: You'd have to go around and circumvent.

MR. PETRO: I don't see it being that much of an advantage as a real road, you know, I'd like to see a new road. I've lived here 50 years, there's not another new road since I'm here. It's a pet peeve that I have personally, I'm not talking about development roads that just make it worse, somebody build me a road and there isn't any. And this to me is not really a

new road as much as I'd like to see more roads for flow, this is not going to solve anything. And the woman here from the Cornwall Planning Board makes a good point to put more out onto 94 in that one particular spot which is just down from the school doesn't make good sense to me. From planning purposes, I think we're going to be leaning that way. I can't say now, I want the talk to the engineer, the other board members and you already heard the applicant say he could care less one way or the other, it works either way. And if the fire inspector doesn't care, that's another concern. Crash gate will satisfy him because why wouldn't it, he's only worried about getting in and out with a fire so I can see that if I had to lean one way or the other, I would I lean towards a crash gate, that's my personal opinion. Anybody else?

MR. BILLIK: I think the crash gate would be a good idea because if the road does come through, it's going to have an impact on everybody that lives in the area, pollution and everything else, I think it's something that's going to have a negative impact and the fact is that most of us pay in excess of \$10,000 in taxes a year, just not right in my opinion.

MR. FITZGERALD: I live on Settlers Ridge, I think everyone here likes the idea of a crash gate because it will eliminate through traffic, I think the crash gate is a great idea. On Settlers Ridge, can you elaborate on the properties behind Settlers Ridge, what sizes and whatnot? Can you make a comparison to where my back yard is?

MR. WINGLOVITZ: This is Settlers Ridge Road, these are all one acre lots compared to the quarter acre lots that are here, four times the size of the lots that you have right now. So a lot larger lots, actually set back for the most part pretty far from the property line.

MR. FITZGERALD: Is there a buffer zone? I believe there's a sewer line that you can't build on.

MR. WINGLOVITZ: Yeah, the sewer line is on our

property and there's a 30 foot easement right along the rear of the property.

MR. FITZGERALD: Your one acre starts on the other side of that 30 feet?

MR. WINGLOVITZ: No, that's included as part of the lot.

MR. FITZGERALD: Will you be leaving any tree for us to enjoy?

MR. WINGLOVITZ: Yes, well, just as much as you want them so do we. So we'll be having those very nice houses on larger lots, we're going to want seclusion.

MR. PETRO: We're going to go over landscaping, we didn't get that far yet.

MR. FITZGERALD: I'll be looking forward to seeing the crash gate.

MR. PETRO: Looks like that's it for comments so I'll entertain a motion to close the public hearing.

MR. BRESNAN: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Meadowbrook Estates subdivision. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'm going to reopen it to the board for further comment and go from there. Anybody?

MR. LANDER: I think we went over the traffic, how about drainage?

MR. ARGENIO: I did have one question on the traffic. You've taken into consideration the build at Hannafords, is that correct?

MR. MILLER: Yes, we were asked to redo the Five Corners intersection so we used the Hannaford traffic as a basis for re-evaluating that.

MR. ARGENIO: The eastbound Route 94 lane operates at level, what level of service subsequent to the Hannaford build do you recall?

MR. PETRO: I think it was all F.

MR. ARGENIO: That's kind of what I was, what I'm getting at.

MR. WINGLOVITZ: I don't think that movement with the improvements was affected either way, I think it ended up staying the same eastbound, I think what was significantly improved with their study was the northbound 32 by realigning the traffic.

MR. ARGENIO: I don't want to get into a lot of research, I'd like you to answer it at some point in time. If you can't answer it now, I'd like an answer at the next meeting, with the build scenario for Hannafords, what level does the eastbound, do the eastbound 94 lanes operate at and subsequent to the build for the Meadowbrook Estates, what level do the eastbound lanes of 94 operate at? I don't want to get into research tonight. I didn't mean to interrupt you, I want to know that's at Five Corners and that's for all the 94 eastbound lanes. I don't know, I think there's two there.

MR. LANDER: Drainage?

MR. WINGLOVITZ: Drainage.

MR. LANDER: Where is all this water going to end up?



MR. WINGLOVITZ: Currently, there's a large wetlands system on this site, a large State wetland here, obviously, the pond's right in front of Meadowbrook, this wetlands systems drains actually from The Reserve onto our property, goes through a large stream that discharges into Meadowbrook Creek. We have ponds located basically along the creek that will act as detention ponds and storm water quality ponds. In accordance with the new regulations, we have to store the water for a significant period of time to clean up the water from the site and then discharge it back into the stream, eventually discharges, actually goes back and forth underneath the old railroad bed here once and back twice and discharges underneath 94 through an existing large State culvert that's there.

MR. LANDER: What type of ponds? Are they going to maintain water constantly?

MR. WINGLOVITZ: Under the new regulations, they have to, yes, in order to provide the storm water quality that the DEC wants.

MR. LANDER: And well then you don't need fences around these, how deep are they going to be?

MR. WINGLOVITZ: Yeah, this is a rather large, I'd put some decorative around this, this is a large shallow pond, wouldn't need it, similarly with these ponds, this is a deep pond, probably would have some kind of a fencing.

MR. LANDER: Just for safety.

MR. WINGLOVITZ: Absolutely.

MR. LANDER: All this crosses 94?

MR. WINGLOVITZ: Yes, goes underneath the railroad bed and crosses 94 through here, crosses under Old 94 and completely under 94 in one culvert, spent a lot of time on drainage, the new regulations have come out and they're really restrictive so there's been a lot of work done to it.

MR. PETRO: We're not going to take any other action tonight at all, you have a list of comments from Mark Edsall.

MR. WINGLOVITZ: We'll continue to work with Mark to resolve them.

MR. PETRO: I would suggest you talk to Mark about it, draw up a plan with the crash gate there, show us the plan with the crash gate, get it to the New Windsor Fire Inspector.

MR. WINGLOVITZ: Would you want to see just an overall showing The Reserve and this together to help you in your decision or you think the crash gate's the way to go?

MR. PETRO: I'm pretty, I'm not playing to the audience, if I didn't think so, I've had a lot of people screaming at me so it doesn't matter, but I really feel that way this time and I'd like to see it shown with the crash gate, but I want it sent to the New Windsor Fire Inspector's office. So if he signs off on it and feels that he's certainly well protected there and the New Windsor ambulance can look at it, I kind of think it's the way to go here, I really do. Draw that up and I'll inform Mark when I see him. Okay?

MR. WINGLOVITZ: Yes.

MR. PETRO: Take care of the comments and we'll see you next time.

MR. WINGLOVITZ: Thank you very much.

REGULAR ITEMS:

MARGHERITA'S HAIR ZONE (PROKOSCH) SITE PLAN AND SPECIAL PERMIT (03-02)

Mr. Al Prokosch appeared before the board for this proposal.

MR. PETRO: Proposed hair salon, caretaker apartment, we were waiting for DOT. We have DOT. Property is located in a C zone, proposed hair salon use by right, caretaker apartment special permit requires a public hearing which we did, lead agency coordination letter was issued 12 March, 2003, 30 day time period has elapsed, board can assume lead agency and determination of significance. I believe a negative dec is warranted so we'll move for a lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Margherita's Hair Zone. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for Margherita's Hair Zone. Any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Plans were forwarded to the New York State DOT for technical review. The intended driveway location does not meet minimum offset per State specifications. The plan should be brought up to DOT specifications prior to any approvals. As of 4/14/2003 received memo approved so it's been approved. The planning board should require that a bond estimate be submitted for this site plan in accordance with Chapter 19 of Town Code. I believe this application is ready for conditional approval. Do any of the members have any comments on Margherita's Hair Zone? We've seen it.

MR. LANDER: Conditioned on DOT.

MR. ARGENIO: We've got the approval?

MR. PETRO: I think it's conditioned on the bond estimate, I think that it has to be done before the plans are signed. You can contact Myra and just bring your checkbook.

MR. LANDER: Motion for final approval.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Margherita's Hair Zone on Windsor Highway.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. KARNAVEZOS: The only thing I had with Margherita and I know it's over, you were talking about closing in where you have the, along the road frontage but how far were you going up with that because you're going to start getting water into your property there, if you go too far up your property, you're going to still need some of that swale to take that water down into the culvert. You said something about putting a culvert pipe all the way up?

MR. PROKOSCH: Yeah.

MR. KARNAVEZOS: You're going to start getting a lot of road water, that's the only thing I was concerned about.

MR. LANDER: He will get some water right off the road right in the immediate area, he's not going to get anything from up the road up towards the transmission place because they get all the water.

MR. PROKOSCH: Transmission place has a culvert in their parking lot under my property.

MR. LANDER: It all goes down there.

MR. KARNAVEZOS: I was worried about the front of his property flooding out.

MR. LANDER: It's easier to maintain.

MR. PETRO: Hearing nothing further for tonight, motion to adjourn?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

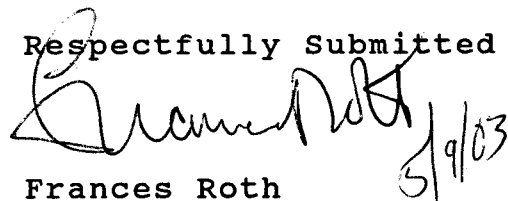
April 23, 2003

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MR. PETRO

AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth", followed by the date "5/9/03".

Frances Roth  
Stenographer